

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Lance Gerald Milliman,

Civil No. 12-1789 (RHK/FLN)

Petitioner,

**ORDER**

v.

State of Minnesota and  
County of Stearns,

Respondents.

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Based upon the August 7, 2012, Findings of Fact, Conclusions of Law, and Recommendation of United States Magistrate Judge Franklin L. Noel together with a de novo review of Petitioner's Objections thereto, and all the files, records and proceedings herein, **IT IS ORDERED:**

1. Petitioner's Objections (Doc. Nos. 7 and 8) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 4) is **ADOPTED**;
3. Petitioner's application for a writ of habeas corpus (Doc. No. 1) is **DENIED**;
4. This action is **DISMISSED WITH PREJUDICE**; and
5. The Court **DECLINES** to grant a Certificate of Appealability.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: August 27, 2012

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge